

## REMARKS

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,094 to Humpleman et al. ("*Humpleman*"), U.S. Patent No. 5,526,130 to Kim ("*Kim*"), U.S. Patent No. 6,177,931 to Alexander et al. ("*Alexander*"), and U.S. Patent No. 6,002,394 to Schein et al. ("*Schein*").

Claims 1-15 remain pending.

Applicant respectfully traverses the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Humpleman*, *Kim*, *Alexander*, and *Schein*. A *prima facie* case of obviousness has not been established.

Claim 1 recites a device including, for example, a "control means [ ] for cancelling the recording reservation if double booking occurs and if the recording reservation is a preliminary reservation, wherein an entry of the cause of the double booking occurred subsequent to an entry of the preliminary reservation." *Humpleman*, *Kim*, *Alexander*, and *Schein* fail to disclose at least the claimed control means.

*Alexander* discloses:

[i]f the EPG detects an overlap in date, time and duration between the newly received instruction on the one hand and one or more of the remaining record instructions in the Record List, the EPG formats a message to the viewer describing the conflict . . . the EPG will prevent entry of conflicting instructions into the Record List. The EPG will require that the viewer revise the record instructions to eliminate the conflict. In one embodiment, if the EPG detects that one recording instruction pertains to a "one occurrence" program that conflicts in date, time and duration with a recording instruction to record a "regularly recorded"

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

program, the EPG would format an on screen message that would suggest to the viewer that the viewer select the "one occurrence" program to be recorded. In another embodiment, the EPG automatically "decides" to override the "regularly record" instruction and will record the "one occurrence" program with no further intervention by the viewer.

One way to resolve a recording instructions conflict is to choose an alternative occurrence of the conflicting program for recording . . . the viewer can highlight a particular program in the EPG and request a list of all occurrences of that program for the week. The viewer can then instruct the EPG to record an alternative occurrence of the program.

(col. 12, line 60 - col. 13, line 19). None of "requir[ing] that the viewer revise the record instructions to eliminate the conflict," "automatically 'decid[ing]' to override the 'regularly record' instruction (non-once occurrence program) and record the 'one-occurrence' program' with no further intervention by the user," and allowing "the viewer . . . [to] instruct the EPG to record an alternative occurrence of the (non-once occurrence) program" can constitute "cancelling the recording reservation . . . if the recording reservation is a preliminary reservation, wherein an entry of the cause of the double booking occurred subsequent to a time of entry of the preliminary reservation," as recited in claim 1. A "'regularly record' instruction" (non-once occurrence program) does not constitute "a preliminary reservation," as recited in claim 1.

*Humpleman, Kim, and Schein* fail to cure the deficiencies of *Alexander*.

*Humpleman, Kim, and Schein* fail to disclose "cancelling the recording reservation if double booking occurs," as recited in claim 1.

Accordingly, *Humpleman, Kim, Alexander, and Schein*, alone or in combination, fail to render the subject matter recited in claim 1 obvious. Independent claims 8 and 5, though of different scope than claim 1, are allowable for at least the same reasons as

claim 1. Claims 2-7 and 9-14 depend from claims 1 and 8, respectively, and are thus allowable for at least the same reasons as claims 1 and 8.


In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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Dated: May 23, 2008

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